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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

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Petition of the People of the)

State of California and the)

Public Utilities Commission)

of the State of California)

to Retain Regulatory Authority)

Over Intrastate Cellular Service Rates)

PR Docket No. 94-105

OPPOSITION OF THE CELLULAR CARRIERS ASSOCIATION OF
CALIFORNIA TO PETITION FOR CLARIFICATION WITH CORRESPONDING
EXTENSION OF TIME FILED BY
THE CALIFORNIA PUBLIC UTILITIES COMMISSION

Michael B. Day
WRIGHT & TALISMAN, P.C.

100 Bush Street, Suite 225
San Francisco, CA 94104
(415) 781-0701

February 3, 1995

Attorneys for Cellular
Carriers Association of
California

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OPPOSITION OF THE CELLULAR CARRIERS ASSOCIATION OF
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Pursuant to Section 1.45 the Rules and Regulations of the FCC, 47 C.F.R. §1.45, the Cellular Carriers Association of California (CCAC) hereby opposes the Petition for Clarification with Corresponding Extension of Time filed by the California Public Utilities Commission (CPUC) on January 27, 1995 in the above-docketed proceeding. On February 1, 1995 Airtouch Communications filed an opposition to the CPUC petition. As the representative of the cellular carriers serving the vast majority of California's cellular subscribers, CCAC wholly supports the arguments set forth by Airtouch Communications and urges the Commission to deny the relief requested by the CPUC. The strict standards for authentication of documents alleged to contain evidence of

anti-competitive behavior adopted by the Commission should not be compromised.

The CPUC knowingly chose to submit controversial evidence in the form of excerpts of investigative material obtained from the California Attorney General without the required affidavits based on personal knowledge and must bear the consequences of that action. As CCAC has explained in previous pleadings in this proceeding, the Attorney General information is highly controversial, prejudicial in the extreme to cellular carriers who have absolutely no opportunity to respond to such uncorroborated evidence, and has been placed in the Commission's custody as a result of violations of California law.^{1/}

Furthermore, the CPUC's tactics with regard to the submission of such confidential information have caused substantial delays in this proceeding, a fact with which the Commission is all too familiar. Under such circumstances the Commission should resolutely refuse at this late date to lower

^{1/} See Motion of the Cellular Carriers Association of California to Reject Petition, or Alternatively, Reject Redacted Information, dated September 19, 1994, at 5-12; Comments of the Cellular Carriers Association of California on the Protective Order Proposed to Provide Access to Confidential Information Contained in the California Petition for State Regulatory Authority, dated October 7, 1994, at 6-13.

the standard for authentication of claims of anti-competitive behavior.

Respectfully submitted,

WRIGHT & TALISMAN, P.C.

By Michael B. Day
Michael B. Day

WRIGHT & TALISMAN, P.C.

100 Bush Street, Suite 225
San Francisco, CA 94104
(415) 781-0701

February 3, 1995

Attorneys for Cellular
Carriers Association of
California

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CERTIFICATE OF SERVICE

I, Abby Ovitsky, certify that I have this date caused the foregoing **OPPOSITION OF THE CELLULAR CARRIERS ASSOCIATION OF CALIFORNIA TO PETITION FOR CLARIFICATION WITH CORRESPONDING EXTENSION OF TIME FILED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION** to be served by United States mail on the parties of interest in PR Docket 94-105 as set forth on the attached service list.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed on February 6, 1995 at San Francisco, California.


Abby Ovitsky

PR Docket No. 94-105
PR file No. 94-SP3
rev. 10/11/94

Peter Casciato, Esq.
A PROFESSIONAL CORP.
8 California Street, Suite 701
San Francisco, CA 94111

David Simpson/David Wilson
Young, Vogl, Harlick & Wilson
425 California Street, Suite 2500
San Francisco, CA 94104

Russell H. Fox/Susan H.R. Jones
Gardner, Carton, Douglas
1302 K St. NW Ste 900 East Twr
Washington, DC 20005
Mark J. Golden0
PCIA
1019 19th Street NW, Suite 1100
Washington, DC 20036

Michael Altschul Randall Coleman
Andrea Williams/CTIA
1250 Connecticut Ave NW #200
Washington, DC 20036
Scott K. Morris
McCaw Cellular Communications
5400 Carillon Point
Kirkland, WA 98033

Mark Gascoigne/Dennis Shelley
Info Tech. Svc/Internal Svc Dept
9150 East Imperial Highway
Downey, CA 90242

Jeffrey S. Bork
U.S. West Cellular of California
1801 California Street, Room 5100
Denver, CO 80202

David Gross/Kathleen Abernathy
Airtouch Communications
1818 N Street NW, 8th Floor
Washington, DC 20036
M. Cranston/M. Pierson/J. Hearst
Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco, CA 94120-7880
Adam A. Anderson/Suzanne Toller
BACTC
651 Gateway Blvd., Suite 1500
So. San Francisco, CA 94080
Joel Levy/William B. Wilhelm, Jr.
Cohn & Marks
1333 New Hampshire Av NW 600
Washington, DC 20036

Richard Hansen
Chairman Cellular Agent Assoc.
11268 Washington Blvd. #201
Culver City CA 90230

T. Gutierrez/J. McClure/E. Sachs
Lukas McGowan Nace & Gutierrez
1111 19th Street NW 12th Fl
Washington, DC 20036
M. Shames/L. Briggs, Esqs.
UCAN
1717 Kettner Blvd., #105
San Diego, CA 92101

William Sill/Christine M. Crowe
McFadden, Evans & Sill
1627 I Street NW, Suite 810
Washington, DC 20006

Judith St. Ledger-Roty/J. Freeman
Reed, Smith, Shaw & McClay
1200 18th Street NW
Washington, DC 20036

Robert Foosaner/L.R. Krevor
Nextel Communications, Inc.
800 Connecticut Ave NW # 1001
Washington, DC 20006

E. LeVine/E. O'Neill/P. Arth
CPUC
505 Van Ness Avenue
San Francisco, CA 94102

John Cimko, Jr.
Mobile Services Division, FCC
1919 M Street, N.W. Rm 644
Washington, D.C. 20554

Ralph Haller, Chief of Private Radio Bureau, FCC
2025 M Street, N.W.
Washington, D.C. 20554

David Furth, Staff Atty
FCC
1919 M Street, N.W.
Washington, D.C. 20554

Gina Harrison, Staff Atty
FCC
2025 M Street, N.W. Rm 5002
Washington, D.C. 20554

Reed E. Hundt
FCC
1919 M Street, N.W. Rm 814
Washington, D.C. 20554

Andrew C. Barrett
FCC
1919 M Street, N.W. Rm 826
Washington, D.C. 20554

Susan P. Ness
FCC
1919 M Street, N.W. Rm 802
Washington, D.C. 20554

James H. Quello
FCC
1919 M Street, N.W. Rm 832
Washington, D.C. 20554

Rachelle B. Chong
FCC
1919 M Street, N.W. Rm 844
Washington, D.C. 20554

Gerald P. Vaughan
FCC
1919 M Street, N.W. Rm 500
Washington, D.C. 20554

Edward R. Jacobs
FCC
2025 M Street, N.W. Rm 5202
Washington, D.C. 20554

Intern'tl Transcription Services Inc
2100 M Street, N.W. Ste 140
Washington, D.C. 20037

H. Symons/J. Kirkland/C. Kiser
Mintz Levin Cohn Ferris Glovsky
701 Pennsylvania Ave NW Ste 900
Washington DC 20004

J. Tobin/M. Wand
Morrison & Foerster
345 California Street
San Francisco, CA 94104-2576

Richard McKenna
GTE Service Corporation
600 Irving Ridge, HQE03J36
Irving, TX 75015-2092

Lewis J. Paper
Keck, Mahin & Cate
1201 New York Avenue, N.W.
Washington, DC 20005

Cellular Agents Trade Assn
Kolodny & Pressman
11975 El Camino Real Ste 201
San Diego, CA 92130

Leonard J. Kennedy
Dow, Lohnes & Albertson
1255 23rd Street, N.W.
Washington, D.C. 20037

Sharon Diskin
FCC
1919 M Street, N.W. Rm 623
Washington, D.C. 20554

William Kennard
FCC
1919 M Street, N.W. Rm 614-B
Washington, D.C. 20554

Thomas H. Bugbee
County of Los Angeles
Telecomms Brch, P.O. Box 2231
Downey, CA 90242

Alan Shark
American Mobile Telecomms Asso
1150 19th Street, N.W., Ste 250
Washington, DC 20036

Kelly Cameron
FCC
2025 M Street, N.W. Rm 5002
Washington, D.C. 20554

Regina Keeney
FCC
2025 M Street, N.W. Rm 5002
Washington, D.C. 20554

Rosalind K. Allen
FCC
2025 M Street, N.W. Rm 5202
Washington, D.C. 20554

Julia Kogan
FCC
2025 M Street, N.W. Rm 5202
Washington, D.C. 20554

Stanley P. Wiggins, Jr.
FCC
1919 M Street, N.W. Rm 644E
Washington, D.C. 20554